

1909-054 Chancery Causes: Cdn of Tipton R. Sravely & by vs. Tipton R. Sravely &
Lee Co.

Barlow, Anderson

CA-Estate Disputes
T-Property

-Deed

=====William Snavely, Guardian &c. Plaintiff. #

Vs. #

Bill in Chancery. #

Tipton R. Snavely, et als, defendants. #

=====To the Hon. H. A. W. Skeen, Judge of the Circuit Court
for Lee County.

Your complainant, William Snavely, guardian, &c. of Tipton R. Snavely, Ellen V. Snavely and Lilly M. Snavely respectfully represents:

First: That he is the guardian of the said Tipton R. Snavely, Ellen V. Snavely and Lilly M. Snavely infants and children of himself and his former wife, Jennie Snavely; that he was appointed and qualified as guardian of said children in your Honor's Court on the _____ day of May, 1909, as will appear from the certificate of the Clerk for said Court showing said appointment hereby filed, marked exhibit, "A" and made a part of this bill.

Second: That the said infants are of the following ages namely: Tipton R. Snavely eighteen years old; Ellen V. Snavely ⁽¹³⁾ sixteen years old and Lilly M. Snavely ~~thirteen~~ years old; and

Third: that the said infants are the joint owners in fee simple of the following real estate, lying and being in Lee County, Virginia, in the town of Pennington Gap, and being the same property that was conveyed to them by your complainant by a deed dated the 10th day of February, 1897 and of record in the Clerk's Office for Lee County, in Deed book No. _____ page No. _____, and said property being parts of ~~px~~ lots Number nine and ten, in block No. twenty-two, as shown upon the plat of the Pennington's Gap Improvement Company and described as follows:

Beginning on the back ends of said lots number nine and ten and fronting on Anderson Avenue thirty-seven and one-half feet, and running back from said Avenue and at right angles thereto sixty feet, and said property forming a right angled parallelogram thirty-seven and onehalf feet by sixty feet; that the said parts of said two lots is the only property, either real or personal

which the said infants own except a one-tenth undivided interest in a one hundred and sixty acre tract of land, lying and being in Lee County, Virginia, on Cane Creek, and being the old home place of the late Dr. John P. Graham; and

Fourth: that the following facts are calculated to show the propriety of a sale of said infants said parts of said two lots namely:

(A). That the said ~~two~~ parts of said two lots has upon them some old ram shackle and delapidated buildings which are in great need of repair, if they could be repaired at all;

(B). That said lots and houses thereon, as above stated, are in the town of Pennington Gap, which is ~~an~~ incorporated town, and on account of the dilapidated condition of the houses on said lots the municipal authorities of said town are threatening to condemn them because of their probability of ^{and spreading} taking fire; and

(C). that to tear down and build new houses on said parts of said two lots that would meet the requirements of the municipal authorities of said town would costs perhaps from five to six hundred dollars, and your complainant's said wards have no money with which to either tear down and build a new on said lots or to repair the same, provided they are capable of being repaired. But your complainant is advised and alleges that it is ~~not~~ practicable to repair the houses on said lots at all, because of ~~this~~ rotten and delapidated condition; and

(D). said lots of land have no rental value at all unless their was a house upon them; and

(E). That R. J. Wood, who is the owner of the property on the opposite side of the alley from said ~~Parts~~ of said two lots on the account of the dangerous condition by reason of fire resulting from the houses on said parts of said two lots proposes to pay for the same the sum of three hundred (\$300.00) dollars; (\$100.00 One hundred dollars thereof to be paid down on confirmation of

of their offer and the residue in two equally annual instalments of one and two years with interest from the date of such confirmation; and also onehalf of the taxable costs of this suit, which offer and proposition, your complainant alleges, if confirmed by the Court would decidedly be to the interest of his said three wards.

Fifth: that your complainant is advised that by reason of the forgoing facts the interest of the said infants will be promoted by the sale of the aforesaid parts of said two lots, and that the rights of no person will be violated by a sale thereof; and

Sixth: that the heirs and distributees of the said three infants, if they were dead, would be your complainant, and that the said three infants and your complainant are all the persons who are interested, or can be interested in this suit.

In consideration whereof, and for as much as your complainant is remediless in the premises save in a Court of Equity, his pray therefore is that the said Tipton R. Snavelly, Ellen V. Snavelly and Lilly M. Snavelly be made party defendants to this bill; that a guardian Ad Litem be appointed to defend the rights of the said three infants; and that the said guardian Ad Litem be required to answer the allegations herein contained; that the said infants may answer by their said guardain ad litem, to be assigned to them(as well as the said infants themselves because they are over fourteen years of age) shall answer this bill on oath in proper person; that the aforesaid parts of said two lots of land may be decreed to be sold and the proceeds invested as the Court shall direct, provided the Court does not, under the proof in this case , deem it advisable to confirm the offer of the said R. J. Wood for said property; that all proper allowences and counsel fees may be made in this suit; that all neccessary accounts may be taken and inquiries directed, and orders entered herein as may be neccesary. And that your complainant may have all further, other and gen-
el relief in the premises as the nature of his cause may require or to Equity shall seem meet.

Premington Bros. P. G.

Virginia,

Lee County, to-wit,

William Snavely, guardian for Tipton R. Snavely, Ellen V. Snavely and Lilly M. Snavely, the complainant named in the foregoing bill, after being duly sworn says that the facts and allegations therein contained are true, except so far as they are therein stated to have been on information, and that so far as they are therein stated to have been upon information, he believes them to be true.

Wm Snavely Guar-
dian for said three infants.

Subscribed and sworn to before me H. C. I. Ewing County
Clerk, in and for the County and State aforesaid and in
my County aforesaid this the 3rd day of May, 1909.

H. C. I. Ewing Clerk.

Mr. Duvally guard

us } Bill

Sipton R. Duvally et al

Costs:

clerk \$3.73

atty 15.00

G.A.L. 5.00

\$23.73
L.P. for Sept. \$25.50
\$25.50

Ms. 2

1.

In the Circuit Court for Lee County.

===== "# =====#
William Snavelly, guardian &c. Plaintiff #
Vs. # Answer.

Tipton R. Snavelly, et als. Defendants. #
===== "# =====#

The joint answer of Tipton R. Snavelly, [✓]Ellen V. Snavelly and Lilly M. Snavelly, infants under the age of twenty-one years, but over the age of fourteen years, in proper person to a bill of complaint filed against them in the Circuit Court of Lee County, by William Snavelly their guardian.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint for answer there- to answer and say:

That he, the said Tipton R. Snavelly is eighteen years of age: that she, ^{and} the said Ellen V. Snavelly is ^{sixteen} ~~seventeen~~ years of age, and that the said Lilly M. Snavelly is ~~fifteen~~ years of age; that by reason of their tender years, they know nothing of the allegations of the said bill, but so far as they do know, they believe the same to be true. That there is no reason why the prayer of the bill should not be granted; that they accordingly [✓]concur in the prayer of said bill; but they commend themselves and their rights and interests to the protection of the Court and pray that no decree may be enteredd against them that will tend to their prejudice.

And now having fully answered the complainant's said bill, they pray to be hence dismisses with their reasonable costs by them in this behalf expended.

Tipton R. Snavelly .
Ellen V. Snavelly .
_____ .

Virginia,

Washington County, to-wit,

Tipton R. Snavelly, one of the respondents names in the foregoing ~~it~~ answers, being duly sworn says that the facts and allegations theretin contained are true, except as far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

Tipton R. Snavelly.

Subscribed and sworn to before me C. H. Alderson
a Justice of the Peace, in and for the County and State aforesaid and in my County aforesaid, this the 24th day of April, 1909.

C. H. Alderson J.P..

Virginia, Lee County, to-wit.

Ellen V. Sanvely and ~~Lilly M. Snavelly~~ two of the respondents named in the foregoing answers, being duly sworn says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, they believe them to be true.

Ellen V. Sanvely.

Subscribed and sworn to before me J. J. Yeary
a Justice of the Peace in and for the County and State aforesaid, and in my County aforesaid, this the 22nd day of April, 1909.

J. J. Yeary J.P.

W^m Snawley, Gdn. &c.
v. { Joint Answer of Tib
 { tton R. & Ellise v.
 { Snawley -
Tipton R. Snawley et al

Filed May 3, 1909,
S. R. Ewing,
Clerk.

In the Circuit Court for Lee County.

===== William Snavely, Gaurdain &c. Plaintiff. #

Vs. #

Answer. #

Tipton R. Snavely, et als. Defendants. #
=====

The seperate answer of W. K. Hopkins, Guardian Ad Litem appointed to defend Tipton R. Snavely, Ellen V. Snavely and Lilly M. Snavely in this ~~xxx~~ suit in proper person to a bill of complaint filed against the said Tipton R. Snavely, Ellen V. Snavely and Lilly M. Snavely, in the Circuit Court of Lee County by William Snavely, their guardian.

This respondent reserving th himself the benefit of all just exceptions to the said bill of complaint for answer thereto answers and says;

That he is the guardian Ad litem appointed to defend Tipton R. Snavely, Ellen V. Snavely and Lilly M. Snavely in this suit; that he is acquainted with the parts of the two lots of land mentioned in said complainant's bill; and that he believes that the allegations contained in said bill are true, but he prays full protection of the Court for said three infant defendants.

And now having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable costs is this behalf expended by him.

W. K. Hopkins Guar-
dian Ad Litem for said three children.

The foregoing answer subscribed and sworn to before me J. J. Yeary,
Yeary a Justice of the Peace, in and for the County and
State aforesaid and in my County aforesaid by the said W. K. Hop-
kins this the 28 day of April, 1909.

J. J. Yeary, J. P.

Wm Duaneby guard to

vs } Answer of
26. K. Hopkins
H. A. R.

Dipter R. Duaneby et al

Filed May 3, 1909,

J. C. P. Ewing,
Clerk.

In the Circuit Court of Lee County.

===== #
William Snavelly, guardian, &c. #

vs. #

Answer. #

Tipton R. Snavelly, et als, Defendants. #
===== #

The joint answer of Tipton R. Snavelly, Ellen V. Snavelly and Lilly M. Snavelly, infants under the age of twenty-one years, by W. K. Hopkins, ^{by} thier Guardian Ad Litem appointed to defend them in this suit to a bill of complaint filed against them in the Circuit Court for Lee County, by William Snavelly, Guardian &c. Complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint for answer thereto, or to so much thereof, as they are advised that it is material they should answer, by their said guardian Ad Litem answer and say;

That they are infants of tender years and by reason of their infancy is incapable of understanding or taking care of their rights and interest therein; and they therefore commend themselves and their rights and interests to the protection of the Court and that no decrees may be entered that will tend to their prejudice.

And now having fully answered the complainant's said bill these respondents pray to be hence dismissed ~~by~~ with their reasonable costs by them in this behalf expended.

W. K. Hopkins Guar-
dian Ad Litem for said three children.

Under Duane's guard

Answer of
vs } S. R. T. E. E. V.
Duane by G. A. R.

S. R. T. E. E. V.

Filed May 3, 1909,
S. R. T. E. E. V.,
Clark.

=====#
William Snavelly, Guardian, &c. Complainant, #
vs. # Decree.

Tipton R. Snavelly, et als, defendants. #
=====#

This cause came on this day by consent of all parties, by counsel, to be heard upon the complainant's bill, verified by his affidavit and filed by leave of the Court and the exhibits filed therewith; the joint answer of the infant respondents, Tipton R. Snavelly, Ellen V. Snavelly, and Lillie M. Snavelly by their Guardian Ad Litem, to said bill; the separate answer on oath in proper person of W. K. Hopkins, the said guardian Ad Litem, to said bill; the ~~separate~~ ^{joint} answer on oath, in proper person of Tipton R. Snavelly and Ellen V. Snavelly, the said two infants who are over the age of fourteen years, ~~or~~ to said bill: the general replication of said complainant to said several answers; the depositions of T. C. Barlow and J. W. Anderson, and was argued by counsel: And by consent of all parties, by counsel, this cause is docketed and set for hearing.

On consideration whereof and the Court being of the opinion that the rights of no person will be violated by a sale of the land in the bill and proceedings mentioned; and that the proposition of Mrs. R. J. Wood to pay (\$300.00) three hundred dollars and one-half of the costs of this suit for said land and property; one-third thereof to be paid down and the residue in two equally annual instalments from this date would be a fair compensation for said land ^{it} is hereby adjudged, ordered and decreed as follows:

First: That the said proposition of Mrs. R. J. Wood for the land and property in the bill and proceedings mentioned be and the same is hereby confirmed;

Second: that the said complainant as guardian for said defendants be and is hereby authorized and empowered

to receive from said R. J. Wood the sum of one hundred dollars (\$100.00), on the purchase price of said land and to take from her two notes ^{with good personal security} of one hundred dollars each, bearing interest from this date and payable respectively in one and two year; ~~and~~

Third: that the said defendants be and are hereby divested of any and all title and interest in said property and land in the bill and proceedings mentioned; and

Fourth: that E. W. Pennington, who is hereby appointed a Special Commissioner for the purpose will make to the said R. J. Wood a good and sufficient deed for the said land and property with covenants of special warranty; and it appearing that the said E. W. Pennington, from his report herewith filed has made to the said R. J. Wood said deed it is further adjudged, ordered and decreed ^{report and} that said deed be and the same ^{is} hereby confirmed.

And it is further adjudged, ordered and decreed that when the said two deferred payments on said property shall become due, the said William Snavelly as guardian aforesaid will collect the same and when so collected he will keep the said sum of money, together with the one hundred dollars paid ^{less base - half the costs of this proceeding} down on said property ^{and} loaned out on the best terms possible.

And there being nothing further to be done in this case it and the same is hereby is ordered that this case be ^{and} stricken from the docket.

True Duvally guard de

of Dzeru

Tipton R. Duvally, the

Entered in C.O.B. #8,
page 470 &c -

Enter this

May 4 1909.

H. W. Skene

===== #
William Snavely, Guardian, &c. Complainant. #
vs. #
Tipton R. Snavely, et al. defendants. #
===== #

The depositions of T. C. Barlow and J. W. Anderson taken before me, J. J. Yeary, a Justice of the Peace for the County of Lee and State of Virginia, at the Law Office of E. W. Pennington in the town of Pennington Gap, on the 28th day of April, 1909, to be read as evidence on behalf of William Snavely, Guardian, &c. in a certain suit in Equity depending in the Circuit Court of Lee County, in the State of Virginia, where-in William Snavely, Guardian, &c. is Complainant and Tipton R. Snavely, Ellen V. Snavely and Lillie M. Snavely are defendants.

Present: E. W. Pennington, Attorney for the plaintiff.
W. K. Hopkins, Guardian Ad Litem for said defendants.
T. C. Barlow after being duly sworn deposes as follows:
Q.1. Give your name, age and residence?

A. My name is T. C. Barlow; I live in the town of Pennington Gap and am 30 years of age.

Q.2. How long have you lived in the town of Pennington Gap?

A. I have lived in said town about Six years.

Q. 3. Are you acquainted with that part of lots # 9 and 10 in block #22 of said town and which front on Anderson St. thirty-seven and one-half feet and run back at right angles thereto sixty feet and which belong to the said defendants; and how long have you been acquainted with said lots of land?

A. I do know said lots of land and have known them for about Six years.

Q. 4. Please state, if you know what the condition of the buildings are which are upon said lots?

A. I have recently examined the buildings on said lots and found that they were old, decayed and badly constructed out of poor lumber and on a whole they are in a very bad condition.

Q. 5. Do you think that the buildings on said lots of land could advisably be repaired so as to make them comfortable and reasonably safe from fire?

A. I do not think it would be advisable to try to repair the old buildings on these lots of land; in fact they could hardly be repaired and put in shape so as to make them reasonably safe from fire.

Q. 6. Is it not a fact on the account of the dilapidated condition of the houses on these lots of land that the Corporate Authorities of the town of Pennington Gap have been threatening to condemn and have torn down the houses on said lots.

A. That has been my information and I believe that owing to their condition they are dangerous on account of fire.

Q. 7. Mrs. R. J. Wood purposes to pay for said property the sum of three hundred (\$300.00) dollars, and one-half of the costs of this proceeding; one-third thereof to be paid down and the residue in two equally annual instalments with interest from the date of confirmation by the Court of her offer on said property: Please state whether in your opinion from what you know of said property it would be to the interest of the said infant defendants to sell said property at said prices and on said terms?.

A. In my opinion it would be to the interest of said infants to sell said property for the price and on the terms named; that the interest on the money would be of more benefit to them than the property. Because, as above stated, the old houses on the land ought to be torn down, and if they were torn down, the land itself would have no rental value at all; and as to the ren-

tal value of the houses on the land at this time I do not consider it to be very much; not as much as the interest on the money would amount to.

Q. 8. Have you any interest in this land or in the sale thereof?

A. I have not.

And further this deponent saith not.

J. L. Barlow .

J. W. Anderson another witness after being duly sworn deposes as follows.

Q.1. Give your age, residence and occupation?

A. I am forty years of age; reside in the town of Pennington Gap and am a merchant.

Q. How long have you lived in the town of Pennington Gap?

A. I have lived in the town of Pennington Gap about fifteen years. And I have been one of the town counsel of said town from four to six years, and am now one of the members of the counsel of said town. My place of business is in about one hundred and fifty feet from the land in the bill of the plaintiff mentioned. I have recently looked through the buildings on this land and found them old, dilapidated and according to my view of it they are practically worthless. They are very dangerous on the account of their liability to catch fire and I note it to be a fact that it has been ^{talked} in the town counsel of said town to have the houses on said land condemned because of their dangerous condition.

From what I know of the houses on said land I do not think that they could be reasonably repaired at all. They would have to be torn down and new ones built on the land in order to give the land any rental value. In my opinion a sale of the land at the price offered by Mrs. Wood on the terms mentioned in the plaintiff's bill would be to the interest of the infant defendants in this suit.

I have no interest whatever either in the property sought to be sold or the money that might be derived from it. I do not believe that the property in its present condition is worth more than the three hundred dollars offered. In my opinion it is a fair price for it.

And further this deponent saith not.

J. W. Anderson.

Virginia,

Lee County, to-wit,

I, J. J. Yeary, a Justice of the Peace, in and for the County of Lee and State of Virginia, do hereby certify that the foregoing depositions of T. C. Barlow and J. W. Anderson, were duly taken, sworn to and subscribed before me in my County aforesaid and for the purpose in the caption mentioned.

Given under my hand this the 28th day of April, 1909.

J. J. Yeary J.P.

Wm. Duaneley

-vs. } depositions

Sipton R. Duaneley et al

Filed May 3, 1909.

J. C. Ewing,
Clerk.

Costs
J. C.

\$1.50

=====#
William Snavely, Guardian Sc. Complinat. #
Vs. # Report.
Tipton R. Snavely, et als. Defendants. #
=====#

To the Hon. H. A W. Skeen, Judge of the Circuit
Court for Lee County.

Your undersigned who was this day by an order of
your Court appointed a Special Commissioner to make to Mrs.
R. J. Wood a good and suficient deed with covenants of special
warranty to the land in the bill and proceedings mentioned,
begs leave to report that pursuant to said order that he
has made said deed and herewith files the same and prays
that this report and deed be confirmed.

Given under my hand this the _____ day of May,
1909.

E. H. Pennington Commissioner

Spec. Quarterly quarterly

no. } Reports of
 } 1822

Section R. Quarterly

Filed May 4th, 1909

J. R. P. Ewing,
Clerk.

This Deed made this 22nd day of May 1896, by and between William T. Gilley and Lizzie E. Gilley parties of the first part and William Snavely party of the second part all of Lee County Virginia Witnesseth; That for and in consideration of the sum of (\$220) Two Hundred and twenty dollars in hand paid the receipt of which is hereby acknowledged, the said parties of the first part, do by these presents give, grant, bargain, sell release and convey a certain tract or parcel of land lying and being in the town of Pennington Gap Va. and are parts of lots number 9 and 10 in Block Number 22 as shown upon plat number 2 of the Pennington Gap Improvement Company- which said lots Number 9 & 10 have heretofore been conveyed to William T. Gilley by Deed dated March 23rd 1891, and the parts thereof hereby conveyed by this instrument are described as follows to wit:-

Being in back end of lots numbers 9 & 10 and fronting on Anderson Avenue (37 1/2) Thirty seven and one half feet and running back (60) Sixty feet, and are the same lots upon which James H. Waddill built a little row of dwellinghouses and a shoe shop to have and to hold said lots or parcel of land, unto the said William Snavely party of the second part, his heirs or assigns forever with all the appurtenances thereto and said parties of the first part covenant that they will warrant generally the title to the lots or parcels of land hereby conveyed and will forever defend the same against all claims whatsoever. Witness the following signatures and seals day and year first above written

William T. Gilly (Seal)

Lizzie E. Gilly (Seal)

Virginia Lee County to-wit:

I A G Hyatt a Notary Public for the County of Lee and the State of Va do hereby certify that William T Gilly & Lizzie E Gilly, whose names are signed to the foregoing writing bearing writing bearing date May 22-nd 1896 have acknowledged the same before me in my county aforesaid. Given under my hand this 10th

day of June 1906

A G Hyatt, Not. Pub.

Virginia Lee County, towit:

In the Office of the Clerk of the County Court for said County the 10th day of February 1897. This deed was presented and with the certificate annexed, admitted to record.

Teste;

S.V.F. Richmond, Clerk

A copy,

Teste: W. A. Ewing, Clerk

D.B.33, Page 316, etc.

William Snawley
From { Deed
Wm P. Gilley wife

Copy

Clerk 45th Paid.

2nd Dr Snively guard etc

vsf Rice

Dipton R. Snively et al
